

Before the  
Administrative Hearing Commission  
State of Missouri



STATE COMMITTEE OF PSYCHOLOGISTS, )

Petitioner, )

vs. )

No. 09-0969 PS

KAREN ELENA LEE, )

Respondent. )

CONSENT ORDER

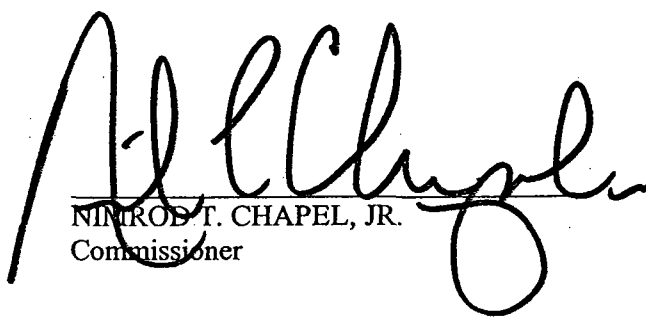
The licensing authority filed a complaint. Section 621.045, RSMo Supp. 2009, gives us jurisdiction.

On May 25, 2010, the parties filed a "Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee of Psychologists, and Disciplinary Order With Joint Proposed Findings of Fact and Conclusions of Law." Our review of the document shows that the parties have stipulated to certain facts and waived their right to a hearing before us. Because the parties have agreed to these facts, we incorporate them into this order and adopt them as stipulated. *Buckner v. Buckner*, 912 S.W. 2d 65, 70 (Mo. App., W.D. 1995). We conclude that the licensee is subject to discipline under § 337.035.2(15), RSMo 2000. We incorporate the parties' proposed findings of fact and conclusions of law into this Consent Order. We certify the record to the licensing agency under § 621.110, RSMo Supp. 2009.

The only issue before this Commission is whether the stipulated conduct constitutes cause to discipline the license. The appropriate disciplinary action is not within our power to decide; that is subject to the licensing authority's decision or the parties' agreement. Section 621.110, RSMo Supp. 2009.

No statute authorizes us to determine whether the agency has complied with the provisions of § 621.045.4, RSMo Supp. 2009. We have no power to superintend agency compliance with statutory procedures. *Missouri Health Facilities Review Comm. v. Administrative Hearing Comm'n*, 700 S.W. 2d 445, 450 (Mo. banc 1985). Therefore, we do not determine whether the agency complied with such procedures.

SO ORDERED on June 8, 2010.

  
NIMROD T. CHAPEL, JR.  
Commissioner

BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

**FILED**

MAY 25 2010

ADMINISTRATIVE HEARING  
COMMISSION

STATE COMMITTEE OF  
PSYCHOLOGISTS,

Petitioner,

v.

KAREN ELENA LEE,

Respondent.

No. 09-0969 PS

**JOINT MOTION FOR CONSENT ORDER, JOINT STIPULATION OF FACTS,  
WAIVER OF HEARINGS BEFORE THE ADMINISTRATIVE HEARING  
COMMISSION AND STATE COMMITTEE OF PSYCHOLOGISTS, AND  
DISCIPLINARY ORDER WITH JOINT PROPOSED FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission ("the AHC"), Regulation 1 C.S.R. 15-3.446, and pursuant to the terms of § 536.060, RSMo,<sup>1</sup> as it is made applicable to the AHC by § 621.135, RSMo, Karen Elena Lee ("Lee") and the State Committee of Psychologists ("the Committee") hereby waive the right to a hearing of the above-styled case before the AHC and, additionally, the right to a disciplinary hearing before the Committee pursuant to § 621.110, RSMo, (Cum. Supp. 2009) and jointly stipulate to the facts and consent to the imposition of disciplinary action against Lee's psychologist license for violations of statutes and lawful rules and regulations set forth below.

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<sup>1</sup> Statutory references are to Missouri Revised Statutes 2000, unless otherwise indicated.

Lee acknowledges that she has received and reviewed a copy of the Complaint filed by the Committee in this case, and the parties submit to the jurisdiction of the AHC.

Lee acknowledges that she is aware of the various rights and privileges afforded her by law, including the right to appear and be represented by counsel; the right to have a copy of the Complaint served upon Lee by the AHC prior to the entering of its Order; the right to have all charges against Lee proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Lee; the right to present evidence on Lee's own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial Commissioner concerning the complaint pending against Lee; and the right to a ruling on questions of law by a Commissioner. Being aware of these rights provided Lee by operation of law, Lee knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee of Psychologists, and Disciplinary Order with Joint Proposed Findings of Fact and Conclusions of Law ("Joint Stipulation") and agrees to abide by the terms of this document as they pertain to Lee.

Based upon the foregoing, the Committee and Lee jointly stipulate to the following and request that the AHC adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the AHC's Findings of Fact and Conclusions of Law:

## **JOINT PROPOSED FINDINGS OF FACT**

1. The Committee is an agency of the State of Missouri created and established pursuant to § 337.050, RSMo, for the purpose of executing and enforcing the provisions of Chapter 337, RSMo, as amended, pertaining to psychologists.

2. Lee was licensed by the Committee as a psychologist, license number R0302 ("License"). Lee's License was originally issued on or about March 30, 1992 and lapsed on or about January 31, 2008. Lee's License was at all times relevant herein, current and active.

3. From on or about September 18, 2003 until on or about June 14, 2005, Lee provided psychology services to A.K.<sup>2</sup> while operating a sole proprietorship psychology practice known as Karen E. Lee, Psy.D., and Associates, located at 102 South Interstate Drive, Suite Five, in Sikeston, Missouri 63801.

4. In or about January, 2006, Lee owned property located at 702 First Street East, in Scott City, Missouri 63780 ("the Property").

5. From on or about January 13, 2006 until on or about July 15, 2006, Lee rented a house on the Property to A.K., which A.K. utilized as a residence ("the Rental House").

6. Lee resided and worked in Arkansas during the period in which A.K. rented from Lee and resided at the Rental House.

7. As a psychologist, Lee established a relationship of professional trust and confidence with A.K.

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<sup>2</sup> To protect her privacy, A.K. is referenced herein by her initials.

8. Lee was aware of the relationship of professional trust and confidence between herself and A.K.

**JOINT PROPOSED CONCLUSIONS OF LAW**

9. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to §§ 621.045, RSMo (Cum. Supp. 2009) and 337.035.2, RSMo.

10. Regulation 20 C.S.R. 2235-5.030(6)(C),<sup>3</sup> Prohibited Relationships, provides in pertinent part:

1. The psychologist, in interacting with any current client or with a client to whom the psychologist has at anytime within the previous twenty-four (24) months rendered counseling, psychotherapeutic or other professional psychological services for the treatment or amelioration of emotional distress or behavioral inadequacy, shall not enter into a financial or other potentially exploitative relationship with him/her/them.

....

11. Regulation 20 C.S.R. 2235-5.030, the Ethical Rules of Conduct, provides in pertinent part:

(1) General Principles.

(A) Purpose. The ethical rules of conduct constitute the standards against which the required professional conduct of a psychologist is measured.

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<sup>3</sup> This rule originally filed as 4 C.S.R. 235-5.030(4)(C)2, effective July 8, 1993, and moved to 20 CSR 2235-5.030, effective August 28, 2006.

(D) Violations. A violation of these ethical rules of conduct constitutes unprofessional conduct and is sufficient reason for disciplinary action or denial of either original licensure, reinstatement or renewal of licensure.

12. Lee's conduct in entering into a landlord-tenant relationship with A.K. seven (7) months after ceasing to provide professional psychological services to A.K., constitutes unethical conduct as defined in Regulation 20 CSR 2235-5.030(1)(D), the "Ethical Rules of Conduct" as adopted by the committee and filed with the secretary of state, in violation of § 337.035.2(15), RSMo.

13. Lee's conduct in entering into a landlord-tenant relationship with A.K. seven months after ceasing to provide professional psychological services to A.K., constitutes a prohibited relationship as defined in Regulation 20 CSR 2235-5.030(6)(C)1, the "Ethical Rules of Conduct" as adopted by the committee and filed with the Secretary of State.

14. Cause exists for the Committee to discipline Lee's psychologist license pursuant to § 337.035, RSMo, which provides, in pertinent part:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

...

(15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as adopted

by the committee and filed with the secretary of state.

.....

### **JOINT AGREED DISCIPLINARY ORDER**

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the Disciplinary Order entered by the Committee in this matter under the authority of § 621.110, RSMo, (Cum. Supp. 2009):

#### **I. DISCIPLINE IMPOSED**

A. By agreement of the parties, Lee's Missouri license as a psychologist, license number R0302, is immediately CENSURED.

#### **II. GENERAL CONDITIONS**

- A. The terms of this Joint Stipulation are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Joint Stipulation nor any of its provisions may be changed, waived, discharged, or terminated except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.
- B. Each party to this Joint Stipulation agrees to pay their own fees and expenses incurred as a result of this case, its litigation, and its settlement.
- C. Lee hereby waives and releases the Committee, its members and any of its employees, agents, or attorneys, including any former Committee members, employees, agents and attorneys, of, or from, any liability, claim, actions,


causes of action, fees costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under Title 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this litigation, or from the negotiation or execution of this Joint Stipulation. The parties acknowledge that this Paragraph is severable from the remaining portions of this Joint Stipulation in that it survives in perpetuity even in the event that any court of law deems this Joint Stipulation or any portion thereof void or unenforceable.

- D. The parties to this Joint Stipulation understand that the Committee will maintain this Joint Stipulation as an open record of the Committee as provided in Chapters 337, 610 and 620, RSMo, as amended.
- E. This Disciplinary Order will become effective immediately upon the issuance of the Consent Order of the AHC in this matter, without further action by either party.

In consideration of the foregoing, the parties consent to the entry of record and approval of this Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee of Psychologists, and Disciplinary Order with Joint Proposed Findings of Fact and Conclusions of Law, and to the termination of any further proceedings before the Administrative Hearing Commission based upon the Complaint filed by the Committee in the above-styled action.



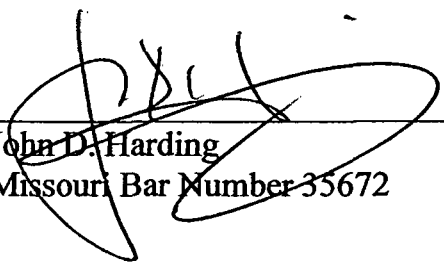
LICENSEE

  
Karen Elena Lee  
License Number R0302

Date: 5/6/2010

Complaint No. 2006-003363

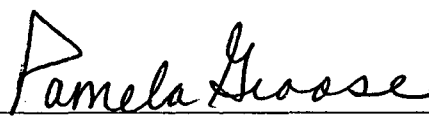
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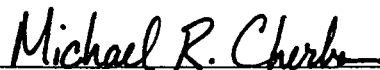
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COMMITTEE

  
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Date: 5-20-2010

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